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Dr. SHERLOCK's TWO KINGS OF BRAINFORD

Brought upon the Stage.

IN A

Congratulatory Letter

TO

Mr. *JOHNSON.*

Occasioned by

The *Doctor*'s Vindication of Himself in Taking the Oath of Allegiance to Their Majesties after the Time, indulg'd by the Law, was expired.

LONDON: Printed in the Year, 1690.

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Dr. SHERLOCK's Two Kings OF BRAINFORD

Brought upon the STAGE.

SIR,

THis is to congratulate your Victory over that *Passive Obedience* Doctrine, the Chief *Confessor* of which is far from imitating you; who were a real *Martyr* for that Truth, which is opposite to it.

The Great *Champions* on the other side, were Dean *Hicks* and Dr. *Sherlock*; these gave the word to the Party; the first would prove it by Man's Law, the last by God's; and thus the Laws both Humane and Divine, were press'd into its Service.

Dean *Hicks* his last Effort for it was, in Signing or Dictating the Weak Dying Declaration of the late Bishop of *Chichester*, who had suck'd it in with his Milk, and might be thought to dye with a Surfeit of it. But the *Dean* finds yet no occasion to renounce any part of that Doctrine, the Defence of which, some say, procured his Deanery. According to his *Golden Book*, God himself had fix'd his Allegiance unalterably to the *Late King*, as long as he should live; and to the *Sham Prince* after him: unless his Spurious Birth be fully

Vid. Dr. H. his *Jovian.*

proved!

Preface to Jov. p 56. proved. For the *Dean* had taught, that God had given the *Imperial Crown of* England *for an inalienable Inheritance to the Royal Family*, that is, as he immediately explains it, *to the next Heir upon the Line: to exclude whom or any Person of the Royal Family, from the Absolute Right or Birth-right which God alone had given him*, he asserted to be to oppose the *Will of God*: nor does he seem yet, to have thought of our *Doctor's* Distinctions for Preserving and maintaining the Right of such an one, and yet obeying another, as having *Gods Authority*: Wherein the Doctor sets up Two Kings, one *of Right*, the other *by Providence*. But upon this Point, the two Brotherly Champions are divided, and leave you Master of the Field, while they engage against each other. That Dr. *Sherlock* gives up the Point of Succession, and says, what amounts to a total yielding the Cause to you, may appear from the most Cursory Consideration of his Book, and tho I *Pag.* 3. must confess he has a great Art in *Startleing* his Reader, and helping himself off from Assertions, which at first look very Gross; yet I cannot but think, that in the main he leaves either himself, or his Beloved Doctrine, without Excuse: and where his present Actions oblige him to depart from it, he shews it is like a parting *with a right hand, or right Eye*; and therein, indeed, does more for the Government than other Men; and endures little less than Martyrdom. I need not profess to you, that I have no disesteem for the Man, but his Opinions, in relation to Civil and Ecclesiastical Government, are, in my apprehension, so Derogatory from the Goodness of God, so uncharitable to Men, and destructive to Humane Societies; that I long since thought my self bound publickly to avow my dislike of them; tho' the Government, and consequently, in his Sense, *Gods Authority* were on his side; as I am sure the Government is now on mine, it being founded upon Legal Principles, as directly contrary to his, as he often is to himself.

Vid. Anonymus *his Letters to him about Church Communion.*

I maintain, by Law, that their Majesties are *rightful* King and Queen, and came by their Power by *due* means; which is impossible to be proved upon his Grounds.

The Absurdity, and perhaps, Blasphemy of his, you can best set in their true Light, and expose to the just Abhorrence of Mankind; and have already done it by way of Anticipation.

But tho you have gained the Victory over his Opinions about Civil Government, and every Lash you bore for the sake of our English Liberties, shall rise about you in Circles of Glory; yet such

ſuch Men will be likely to reap the Spoil; till they who maintain the *Right* to be in King *James*, ſhall, as the Law declares them, if they act accordingly, be adjudged Traytors to *their Majeſties*: and till the Principles of *Hobbs* and *Matchiavel* become as Odious, as the *Doctrine* of our Pretenders *to the Spirit of the Church of* England, was in the time of King *James*. When that *Sovereign Power*, which was taught to *be inſeparable from his Perſon*, and could *make Repeal, and Diſpence with Laws*, touch'd but the Hem of the Canonical Garments; then the Dying Voice of a Meek *Moſes*, and the louder Cry of that Blood, which was Sacrificed to their *Idol*, could not be heard for the Jangling of *Aaron's Bells*. Then they who had been tranſported with the Fallacious Promiſe of Maintaining the Church of *England*, began to bethink themſelves that there was not the leaſt word of Religion: and what comfort could it be to them, to have *Diana's* Greatneſs out of Danger, when others were likely to enjoy the Profit of the *Shrines*? Till then the King's *Moſt Illegal Acts* had the *Authority of Sovereign Power*; that is, as the Doctor tells us, *Gods Authority*: and it would be hard if that Authority could not make them Legal.

Vid. Dr. H's Sermon. *Vid. Dr. Sherlock's Caſe of reſiſtance.* *Caſe of reſiſtance.*

They thought they had this faſt on their ſide, and not foreſeeing any Probability that there would be a Flaw in the Succeſſion, till this *Generation ſhould paſs away*; by making that Sacred and Inviolable, they hop'd to ſecure Reverence and Authority to themſelves, who had taught the Oracles to *Philippize*, and ſpeak as the Preſent Powers would have them.

On the other ſide, King *James* and his Sottiſh Prieſts, thought thoſe Warm Men of our Clergy, believed their own Doctrine, and would inculcate it to their People, however even the Clergy themſelves ſhould be uſed: And finding the Lay-Herd, like the Tribe of *Iſſachar*, imagined that the *Levites*, who had taught them to crouch under their Burden, would have had more Modeſty and Senſe of Shame, than to be Clamorous.

But certain it is, how much ſoever they inveigh'd againſt your true Repreſentation of the Behaviour of the Primitive Chriſtians towards *Julian*; they out-went the Pattern, and were beholden to you for their Juſtification.

Far be it from me, in the leaſt to reflect upon *the Body* of the Engliſh Clergy: their Learning the World Admires, their Prayers at leaſt, called for their Majeſties; and the

Vid. Pref. p. 4.

the moſt of them Swore Allegiance to them as ſoon as the Law required it; and, it is to behop'd, with Sincerity.

Yet if they were means of delaying our Settlement, or of undermining it, I ſhould not think my ſelf Guilty of *Profaneneſs* or *Infidelity* in telling them, they would thereby *Blacken* themſelves, and Obſtruct the Propagation of that Religion which by Profeſſion they ſhould promote: The Blemiſhes of the Guilty ought by no means to be conceal'd, if it were for no other reaſon than to advance the Honour of the reſt; yet I think there is a much better ground for expoſing them, which is, that they Entitling Religion to their Quarrels and Abſurd Errors, thereby expoſe Religion its ſelf, till their Chaff be ſeparated.

Vid. the Doctor's Pref. p. 4.

The Jewiſh Clergy were as Sacred in their Perſons, as pompous in their Ceremonies, and more Abſolute in their Authority: and yet thoſe Acts of a Convocation, which are Trumpt up, as a new Revelation, to Support a Baffled Doctrine, ſeem to think matter of Inſtruction contained in the Deſcription of the Miſeries which befell the *Jews*, and how *Religion went in thoſe days, when the Prieſts had gotten the Reins in their own hands.*

Biſhop Overall's *Convocation Book*, p. 72.

How far our Clergy did thruſt themſelves into the State in the time of the two *Charles's*, and what were the Effects of their Interpoſition, I ſhall not now enquire; 'tis certain the Romiſh Prieſts drove their *Votary* to a Fatal Precipice: and ſome of our *Church-men*, but many of their moſt Zealous Diſciples, to their Praiſe be it ſpoken,, invited our *Deliverer*, and, in appearance, entirely cloſed with the Deliverance. till, as it was upon the Diſcovery of the Popiſh Plot, they found the Number and Sincerity of others more remarkable; and thinking their handful would be loſt in the Croud, they betook themſelves to another Multitude, the Criminals in former Reigns. And, as Evil Miniſters could not be called to account, but the Throne was thought to be Shaken, becauſe of their running behind it: no Man could be in danger of being made an Example for Subverting the Laws, but he found a Sanctuary in the *Church*, or a Protection in the very Name of it. Though the Clemency of the Government freed them from their juſt Fears, they ſoon ſhewed that thoſe Methods were ſo far from reclaiming them, that they took Encouragement to divide the *State*, and make a *Schiſm* in the *Church*, even in their own Senſe,

Vid. *Mr.* Dodwell's *one Altar, one Prieſthood.*

Senſe, ſetting up *Altar againſt Altar*: The *Separate Church* had its peculiar Forms of *Prayer*, and the Breach was every day growing wider and wider, as the Deſigns of *France* haſtned towards a Birth: How many ſtood on Tip-toes, expecting a friendly Deſcent of *French Dragoons*, and other *Romiſh Miſſionaries!*

But let me tell you, King *William*'s Sword carries more Conviction with it, than all your dint of Argument; his Paſſage over the *Boyne* was not more amazing to the World, than it was ſtupifying to them; its *paſſive* Waters, like thoſe of *Lethe*, made them forget their former Thoughts. Had he periſh'd there, he had been damn'd from *Chair* and *Pulpit*, as an ambitious Uſurper, and they only not call him ſo now.

They *thank God that they had no ſhare* in what they account a Sin in him, and in all them whom After-Ages ſhall celebrate, for freeing themſelves from thoſe Incantations, which would have kept them faſt bound from miniſtring to that *Providence*, which loudly call'd for their Service. Vid. *Dr. S's Thanksgiving Sermon which he is deſired to Print.*

Now *Providence* has declar'd for *Their Majeſties*, and *God* is with them, if the Doctor believes himſelf; yet he has found means, if Providence ſhould change its Courſe (to the Tryal of which he too plainly invites the late King) to recommend himſelf to his good Graces: as his not being forward to comply with the Revolution; and when he did, doing it upon ſuch Principles as by no means juſtifie it.

Of all the Paſſages which make for the late King, the following is not the leaſt worthy of regard.

The Providence of God, ſays the Doctor, *removes Kings and ſets up Kings, but alters no Legal Rights, nor forbids thoſe who are diſpoſſeſſed of them, to recover their Right when they can*, &c. *A legal and ſucceſſive Right is the ordinary way whereby the Providence of God advances Princes to any hereditary Throne. And this bars all other humane Claims; but yet God may give the Throne to another if he pleaſes, and this does not deſtroy the legal Right of the diſpoſſeſſed Prince, nor hinder him from claiming it when he finds his Opportunity.* In which, *Caſe of Alleg.* pag. 56.

1. He is inconſiſtent with himſelf.

2. He makes nothing of God's Authority.

1. *The Law*, ſays he, *looks upon the Crown as hereditary*, P. 56. *and the Change of the Perſon or Royal Family does not make the Crown ceaſe to be hereditary; and therefore whoever has Poſſeſſion of the Crown has an hereditary Crown; and leaves it to his Heirs, as long*

as

as they can keep it : as is plain from the Example of the three Henries *who ſucceeded each other.*

Here he makes the Fact to argue a Right; and whoever has a ſetled Poſſeſſion of the Crown, has, according to him, an *hereditary Crown* in the Eye of the Law, and *leaves* it to *his Heirs*, which muſt be meant of a legal Right of Succeſſion. The Inſtance he gives, is of them who came not to the Poſſeſſion of the Crown as right Heirs, upon the ſuppos'd fundamental Settlement; and is a manifeſt departure from his Aſſertion, That ſuch a Poſſeſſion *alters no legal Right*: unleſs he will have it, that two may have, not only different Titles to the ſame Crown, the one by *legal Right*, the other by *Providence*; but that both may have real *legal Right* upon different Titles: which, indeed, how great ſoever the Inconſiſtency be, he plainly does; for the diſpoſſeſſed Prince has, with him, a legal Right unalter'd: and yet he yeilds the other has a legal Right according to the Law of this *hereditary Monarchy*. which will evidently appear, if we conſider that this odd Notion of Hereditary Monarchy was fram'd to avoid the force of an Objection, That *the Law makes it Treaſon to kill the King's eldeſt Son, as well as to kill the King*: and therefore if it ſhould relate to every King in Poſſeſſion, might be a means of ſecuring the Crown to an Uſurper; who, as is ſaid by the Objector, *has no Right himſelf*, and therefore his Heirs have no Right to Succeſſion.

Pag. 56.

He anſwers by that new Conceit of his own, whereby he will have it, That the Poſſeſſor of a Crown, without any expreſs or implied Conſent of the Subjects, may *by Law* leave this to his Heirs; what is added, *as long as they can keep it*, does not diminiſh this *legal Right*, while *they keep it*.

If therefore, during ſuch Poſſeſſion the ejected Prince, or his Heir, ſhould with Arms oppoſe him that is inveſted with the Power, the Doctor muſt not deny, that he would fight againſt one, who has the *Law*, and *God's Authority*, on his ſide.

Which leads me to prove, that

2. He makes nothing of God's Authority, either in relation to Princes, or to Subjects; by admitting, That tho' a Prince is plac'd and ſetled in the Throne by *God* himſelf; yet he who had the Right before that Settlement may ſtill fight for it.

Obj. If it be ſaid that the Subject-matter confines his Poſition concerning God's Authority tho' ſpoken abſolutely, to the Duty of Subjects, who are by God himſelf diſcharged from their Allegiance, but concerns not the diſpoſſeſſed, or any foreign Prince.

Anſw.

Answ. 1. Then at least this shews, That a Prince in Possession has not *God's Authority* absolutely, for that is to be resisted by no Person whatsoever.

2. But more particularly, Admit every Act done by the Possessor towards a Settlement were sinful, yet as soon as, and for the Time that he is setled, if the Doctor stand to his own Notion, the Prince who usurp'd upon the other has God's Authority of his immediate Gift: *God, the Sovereign Lord of all things,* Pag. 15. *did set him up without regard to Law or legal Right: nor does it,* with the Doctor, *make any difference in this case to distinguish between what God permits and what he does; the Event* Pag. 2. *is ordered by God: and the Scripture,* he says, expresly tells us, *that Kingdoms are disposed by God.* Pag. 12. Pag. 34.

If therefore the Kingdom be taken from the ejected Prince, and given to another by God himself authoritatively, not barely by permission, (and surely all his Acts must have Authority) 1. Does not the dispossessed Prince, in fighting for it, deny the Authority and Force of *God's* Gift? 2. Does not God himself warrant him that is in Possession to defend his Gift? or, 3. Shall it be said agreeably to the Doctor himself, that God design'd to take it away again, till, by restoring the Power to the other, he has given him the Stamp or Sign of his *Authority.*

Till the Doctor answer these Questions with some Consistency, it may well be held, that the Attempt for a Restoration cannot be justified till Success; and by consequence no more than any Usurpation; nay, here is an Usurpation upon God's Authority, and Legal Authority, the Doctor tells us, is but Man's. Pag. 25. But if God's Authority is no Reason why a dispossessed Prince may not strive to regain the Possession; how can that be a reason, why those who live within that Kingdom, and have never bound themselves by Oath to the Possessor, or taken benefit of his Protection, and had sworn to maintain the others Rights; may not, when they can, put themselves under their former Prince, or any other to whom he will resign his Pretensions.

If God's Authority in giving the Kingdom may be opposd by the ejected Prince, it may be thought a much stronger Case for the Non-swearing Multitude; because God had never decided the Chance against them directly, as he had done against the Prince: however, there would be this only Difference that the People resisted *God's Authority over them, the Prince God's Authority against him.*

3. If God has taken the Kingdom from the dispossessed *Prince,* he becomes but a *private Person.*

Beſides, the Subjects being oblig'd to obey *God's Authority* with the other, how can the *Right* of Government be where it is not the Subjects Duty to obey, if not actually, yet when there is opportunity? But while the Poſſeſſor is ſetled, the Doctor owns, that he alone has *God's Authority* to govern them, and God requires their Obedience.

Page 14.

Wherefore it can never be lawful for the Prince out of Poſſeſſion to attempt a Recovery of it, till the Subjects are diſcharg'd from their Obedience to the other; ſo that the Subjects may fight againſt the Poſſeſſor of the Crown as well, and as ſoon, as the former King.

4. If a foreign Prince ſhould, without receiving any Injury, or being invited by them that have, be at liberty to follow the Temptation of Ambition; tho another is, by God himſelf, appointed and ſetled King within ſuch a particular Dominion; would not this be contrary to *God's Authority?* nay, if Injury ſhould warrant any other Prince not only to damnifie this Prince and his Subjects in proportion to the Injury received, but to ſtrive for the Crown, when he has a fair Game for it; may not Subjects, in the like Circumſtances as well ſhake off *God's Authority*, as the other go about to unſettle and diſlodge it, and make himſelf King, where God had appointed an other to be his Vicegerent?

5. If the diſpoſſeſſed Prince, or any other, may fight againſt God's Authority, where it is ſetled without regard to another Prince's Right; let the Doctor, if he can, aſſign a Reaſon why the Subject, unleſs humane Law otherwiſe provide, may not fight againſt the *ſame Authority*, when exerciſed *without any regard to Laws?* or when the Prince aſſumes an abſolute Power, where the Conſtitution gave but a limited one. The moſt probable Account why a Prince may fight after running away is, that he never yielded, or promiſed not to try another *Chance* or more favourable Providence: and the ſame holds for the Subject, who has no way, in Perſon, or by his Repreſentatives, conſented to that Power which the Prince aſſumes: nay, this is ſtronger on the Subjects ſide; for till ſuch Conſent, the Prince is not poſſeſſed of an abſolute Power, tho God has given him the other's Crown.

Caſe of Allegiance, page 2.

Vid. pag. 9. *The Submiſſion of the Prince indeed may be thought neceſſary to tranſfer a legal Right.*

In ſhort, the Doctor owning that a Prince who came to a Crown by undue means, has God's Authority when he is ſetled, and yet that

that the Prince rejected by God, may fight against his Authority, whenever he has an inviting Opportunity, does, as *Cicero* says of the *Epicuræans*, "*in Name place God in the Government*, but in Reality exclude him. *Nomine ponere, re tollere Deos.*

Since the Doctor seems to look upon himself as of a Nature superior to other Men, at least, *His Thoughts are not as their Thoughts*; I shall not presume to judge of them otherwise, than as he explains or hints them, in justifying in the lump all *that ever he taught*, that is not here particularly *retracted*. *Preface, p. penult.*

This I conceive may be my Warrant for drawing together a Scheme of his Book into a Speech to the old *Passive Obedience Men*, and all others who may stand at gaze.

Gentlemen,

" Tho I was long since satisfied that our Religion, *Vid. pag. 50.*
" Laws, and Liberties, could not, without a Mira- *The Words*
" cle, be preserved, but by this Government, and *in Italick*
" that the Return of the late King, after his resigning *are his own.*
" himself into the Hands, as well as Conduct, of the
" *French* King, must have involved the Nation in un- *Vid. pag. 50.*
" speakable Calamities; yet, as much as the Autho-
" rity of my Example could prevail, I strengthned the hands of
" the Enemies to the Peace of our Israel: but having
" *forfeited my Preferments*, by not giving that Assurance *Pref. pag. 1.*
" which the Law required, of being True to their
" present Majesties, *it is the most probable Conjecture, that I acted very honestly and sincerely*; and that I never thought there was any
" possibility of King *James* his" Return, to reward my Loyalty to
" him *without Reserve*.

" I shall *fairly represent my Thoughts about this matter*, and *Page 66.*
" shall take *all due care not to impose upon my self, nor others, by some little Fallacies*. To speak plainly, This being an *hereditary Monarchy*, I thought the present Settlement an Usurpation, and that
" Usurpations are not to be obeyed. I think it an Usurpation still,
" but find we should be ruined if we might not obey Usurpers; I except the *Rump Parliament*, and all Enemies to the Church of *England*.
" After I had *heartily prayed* that *I might not forfeit the Exercise* *Pref. p. 3.*
" *of my Ministry for a meer Mistake*, and continued to pray
" that *I might not forfeit* after I had forfeited, and yet exercis'd it after
" the Forfeiture; at last I found out two Expedients for the *Monarchy*.
" 1. That every one who could catch it had an hereditary Mo-

narchy; for some Usurpers have left it to their Heirs: 3. That whatever the Constitution may be, it is but humane, and must yield to the divine Law of Providence.

" This seem'd to be *new* and *singular*, and therefore I suspected " the Thought or Inspiration, call it which you please, or at least " feared it would never pass for currant Doctrine, unless I could " get it to be stamp'd with Church Authority. This I was the " more puzled to do, because I found our Homilies to be very stiff " for adhering to a *Natural Prince.* But would you think it, that " very Declaration of our Church, which the Conclave at *Lambeth* " publish'd, you may be sure not without consulting me, to justi- " fie not Swearing Allegiance to their Majesties, *confirm'd my for-* " *mer Notions, and suggested some new Thoughts to me, which removed* " *those Difficulties which I could not before conquer.*

" That taught me to obey the Power which is uppermost, tho the " Form of Government be *degenerate.* Call it *Rump,* *Case of Allegiance*, page 4. " or what you will. That taught me to pray for *King* *Pref.* page 2. " William *and Queen* Mary *by Name, according to the* " *Apostle's Directions to pray for all that are in Authority.*

" And this I did before I own'd that they were the *Power* which " God had ordained; but now *I thank God I have received that Sa-* " *tisfaction which I desired, from these self-evident Princi-* *Pref.* page 2. " *ples, tho they were long hid from my eyes.*

" 1. That *Allegiance is due, not for the sake of Legal Right,* *Pag.* 2. " *but Government*; that is, not upon the account of " Right, but of Force; *when those who will not sub-* *Pag.* 9. " *mit, may be crush'd at the pleasure* of the Prince in " Possession.

Pag. 2. 2. *Allegiance is due not to bare Legal Right, but to the Authority of God*: " That is, not confin'd within Legal " Bounds, but is due to *Gods Authority*, to which no- *Case of Resist.* p. 197. " thing can give Bounds: Or if you will have it in " other words, to a *Power Independent on Laws.*

" 3. *God, when he sees fit, sets up Kings without any regard to Legal* " *Right, or Humane Laws.*

4. *Kings, thus set up by God, are invested with Gods* *Pag.* 3. " *Authority*: And that you may not think that I mean, " that only they that are set up by God, without re- " gard to Right and Laws, have a Power without Limitation, you " must consider, that Allegiance is due to Gods unlimited Autho-

" rity

"rity in all Persons whatever, for their very Persons "are the *Higher Powers*, and Authority *is not in Laws, but in Persons*; "or rather as the Powers are Persons, "and Persons Powers; it is not in Law, but in "Power. *Case of Resistance. Pag.* 13. *Laws were never called the Higher Powers neither in Sacred nor Profane Writers, ἐξουσία, in the New Testament always signifies the Authority of a Person. ibid.* p. 194.

"These are *Principles* upon which I can Swear Allegiance to *Turk* "or *Teckeley*; or what is worse, to a *Rump Parliament*, "or Protestant *Rabble*, if they get the Power into their "Hands, and are not likely to lose it till I might "Starve. *Pag.* 50.

"Say not this is *Hobbism*. Indeed it Entitles our "Gown to the Favour of all Governments, better "than *Hobbism* does. Mine *are the only Principles which can make Government easie both to Prince and People in all Revolutions*." *Pag.* 15. *Pag.* 43.

"For after any Prince had lost his Crown, either "because his Subjects would not assist him, or resisted his Exercise "of that Absolute Authority which God gave; no Prince would "accept the Government, but the People must be always in a "State of Confusion, unless Princes were assured that the Doctrine "of Passive Obedience was believed, as part of Gods Law.

"Besides, Mr. *Hobbs* taught the Absolute Power of all Princes, "only as a *Philosopher*, upon Principles of meer Reason; but we, by "adding the Authority of Scripture, are sure of as profitable an "Office in the State, as the Keepers of the Sibylline Leaves had "among the *Romans*, by always finding a Prophecy to serve the "Exigencies of State. But we are not only Keepers, but Inter-"preters of the Divine Law, and the full power of declaring the "sense of it is with our *Convocation*, whether the King Ratifies "its Acts or no; as the Legislative Power is with the King: yet, "as Bishop *Sanderson* long since shewed, the King "is pleased not to make a Law without the Consent "of the People; nor the Clergy to publish Canons "without consent of the King. But King *James* the "First, not having consented to the Publication of "these Canons, which seem design'd to quiet the *Vid.* Sand. *de obligatione Conscientiæ*, p. 189, 203, 209.

Our Dispute

" Dispute about his Title. *James* the Second
" being gone; and no King here that we would
" own; then was a proper time for the Church
" to exert its full Authority; especially since it
" derives the Power of all Princes from an Ab-
" solute Power in the First Father; and therein
" shews, that the late King exercised no Power,
" but what he had of Right, and there is one
" * Canon against Invasion by any *Bordering*
" *Prince*, which we thought a direct Parallel to
" to the present Case.

Vid. The question upon the Title, in the Fundamental Constitution of the English Government, Ch. 9. *The Opinion of two Parliaments*, 25 & 28 H. 8. *and the Common Law, in relation to Foreigners.*

* *Bishop* Overall's *Convocation-book*, Canon 28.

" How much soever that Convocation laboured to ingratiate
" themselves with the then Possessor of the Crown, they took
" care to have the Favour of all others, who should once come to
" be Settled; and always to be of the strongest Side.

" But whereas Mr. *Hobbs* makes Power, and nothing
Pag. 15. " else, to give Right to Dominion, we who are Gods
" Ambassadors, take care to have a share secured
" to God, even in Authorizing those Revolutions which are
" brought about by the Sins of Men. *Government, we*
Pag. 15. " *say, is founded in Right*; God is the Natural Lord of
" the World; and whoever has the Power, has a *cer-*
" *tain Sign to us, that God placed him in it*; however the *Right* to
" the Crown is so Sacred, that God himself cannot alter it, with-
" out a miraculous Interposition: For that Providence
Pag. 26. " which *removes and sets up Kings*, does not; tho God
Pag. 14. " gives the Man in Possession *the true and rightful*
" *Authority of a King*, and makes *him true and right-*
" *ful King*. And indeed, notwithstanding Gods setting up a
" King, and making him Rightful, as far as his *Authority* can, the
" measures of Obedience are Doubtful, *there are diffe-*
Pag. 17. " *rent degrees of Settlement and Submission*, and the *Con-*
" *vocation Book* leaves it a very great question, Whe-
" ther Allegiance can be due to an *Usurper*, while the right Heir
" lives.

" I should not tell any but Friends, the Art I have used about
" the Story of *Jaddus* the High Priest, whose Scruple against
" taking an Oath to *Alexander*, during *Darius* his Life, is the Foun-

dation

"lidation of a Canon, wherein the Church declares,
" *If any Man affirm, that* Jaddus, *having Sworn Alle-* Canon 30.
" *giance to* Darius, *might have lawfully born Arms*
" *against him; he doth greatly Err.* I know, that if I had taken
" notice of this part of the Canon, it would have seem'd a very
" Foreign Interpretation, to say, *The meaning was no* Pag. 20.
" *more than this, that he having Sworn Allegiance to*
" Darius, *could not make a voluntary Dedition of himself*
" *to* Alexander. If this Art of mine should be publish'd in
" the *Streets of Gath*, some Barbarous *Philistines*
" would be ready, *with rude Clamours, and un-* Vid. Pref.
" *christian Censures*, to say, That I used the Ca-
" nons, as I did *Bracton*; whom with a curious Vid. Case of Re-
" piecing together the beginning and end of a sistance, p 196.
" Paragraph, I brought over cleaverly to my side; *Bracton Lex facit Regem: attribuat ergo Rex Legi, quod Lex attribuit ei, viz. Dominationem & potestatem; non est etenim Rex ubi dominatur voluntas, & non Lex.*
" after the Rogue had said in the middle, That the
" King receives his *Dominion and Power from the*
" *Law.*

" But not a word more of this: and take a short safe Rule with
" you. Never Resist when you are like to be *Crush'd* for it; and
" not to do your Legal Prince any Service. *Be not righteous over*
" *much, why should ye destroy your selves?* Ye may be preserved for
" Good Times: should your *Legal Prince* Land with an Army;
" then your Oaths of Allegiance may equally Ballance on both
" sides, and you may lye still till Providence has declared it self;
" or take that side which has most Indications of its Favour.

In this last Particular I may seem to misrepresent the Doctor, who may be thought to have determined the Point absolutely on the side of this Government, when the People have not only submitted to it, but the late King's *Power is broken*, and there is no prospect of his helping his Friends. In such case, he says, *If it be visible that the dispossessed Prince can never recover his Throne again, but by making a new Conquest of the Nation by Foreigners, who will be our Masters if they conquer, and no gentle ones neither. We may then look upon the new Prince, as advanced and setled by God in his Throne: and therefore such a King as we owe an entire Obedience and Allegiance to.* Page 18.

1. But if we observe what he says, upon the Enquiry by what means the dispossessed Prince shall recover his Right; it will appear

pear, that he lays the Subject under no higher Obligation to the Prince in Poſſeſſion, than not to aſſiſt the other; but I do not find that he thinks they are bound to defend the Poſſeſſion, though they have ſworn Allegiance, which implies a legal Defence according to their Abilities: ſo that if he ſpeaks out, he will not yield *entire Obedience and Allegiance* to be due: all Men, he ſays, are not bound to *liſt themſelves Soldiers*; and though he allows the *Militia*, and *Poſſe Com.* to be a *legal De-*
Page 31. *fence*, he no where ſays, that Men are bound to act in it, againſt their *legal* King, as he ſuppoſes the diſpoſſeſſed Prince to be: ſo that Men only run the hazard of the Penalty, if Providence ſhould ſtill keep on the ſide of the Poſſeſſor. Nay, upon his Principles, if it be ſafe, Duty leads us to take part with his *legal King* out of Poſſeſſion. Whether a Com-
Page 71. miſſion granted by ſuch a King be a *legal* Commiſſion, he makes ſuch a nice point in Law as he is not *Lawyer enough to decide*; but if we go to him as a *Divine*, he will tell us, the *Caſe of Reſ.* pag. 20. *Sovereign Power is inſeparable from his Perſon*; and tho the Commiſſion be not *legal* in form, it has *the Authority of Sovereign Power.*

2. I do not find that he allows the Prince who is in Poſſeſſion to defend God's Authority againſt the ſuppos'd *legal Right*, and neither *Prince* nor People may defend the Kingdom againſt the *legal* King and foreign Forces.

3. If the Doctor thinks the Rights of the *Church*, or of the *Monarchy* injured, in either of theſe Caſes he ſeems to encourage the Subjects to reſiſt *God's Authority*. *In the late Times of Re-*
Page 48. *bellion and Uſurpation*, he ſays, *all the Friends of Monarchy, and of the Engliſh Government, and of the Liberties of their Country, and of their own Honors and Fortunes, were bound in Intereſt to take all Opportunities to reſtore the late King.* The Church
Page 50. he owns is provided for now.

Page 47. But he ſays *if it be well conſidered, the Defence of Monarchy and the Rights and Prerogatives thereof, will appear a very material part of the Oath; which may bind Subjects when the Perſon of the King is changed, and may make them think themſelves more obliged to reſtore ſuch a Prince, when they cannot reſtore Monarchy and the ancient Laws and Government of the Nation without him.*

God's Authority it ſeems in theſe Reſpects is ſuſpended under God's King or other *Miniſter*: if he but allowed the ſame under Man's, *his legal King*, I fear it would ſet aſide his Doctrine of *Paſ-*

ſive

ſive Obedience, when the Conſtitution is violated: as (according to his Notion of the Rights of Soveraignty, that is, of the Perſon of the King) it is greatly by the Bill of Rights, nor is it likely to be reſtor'd but with the late King, to whom they had aſcrib'd it.

4. The danger from the Foreign Invaſion he may anſwer in the ſame way as he does the danger of the *legal* Prince's loſing *his Right* for ever, if not aſſiſted by his old Subjects; viz. *This may be called a difficulty in Providence, but no difficulty to the Subject, if he purſue his Duty*; that is, if according to his Rule, he cautiouſly wait upon the Motions, or rather Events, of *Providence*.

5. If the Doctor will in ſuch a Caſe yield as entire Obedience to the *King of Providence*, as he did to the *legal King*, he has as I ſhall ſhew, learn'd this from Principles directly contrary to the Doctrine of *Paſſive Obedience* and *Non reſiſtance*; the *Profeſſors* of which, as himſelf tells them, *do not think it a ſufficient Confutation of their Doctrine to ſay, that this puts it into the King's Power to invade the Laws and Liberties, the Lives and Fortunes of his Subjects at pleaſure.*

Vid. infra at large.

Page 34.

Perhaps he was not aware that herein he expoſed his own Doctrine as well as his old Friends; for he admits a poſſibility for a Prince in a limited Monarchy *to govern arbitrarily, and to trample upon all Laws*; and yet will allow no Remedy but Patience.

Non-Reſiſt. pag. 209.

In the Time of *Charles* II. when this ſlaviſh Doctrine had prepared Men for Submiſſion to Tyranny and Popery, of which the Diſcovery of the Plot, and Management of that Diſcovery, gave an immediate proſpect; the Doctor's buſineſs was to allay Mens Fears, and *cramp* their Endeavours to ſecure the Religion and Laws; upon theſe dazling Aſſurances:

Vid. Pref. Liberty of Thinking cramped.

1. Though we might be ruin'd, and Violence might overwhelm this Generation; yet the Conſtitution might revive in future Ages, till the breach of it were ſetled by a Law: *The Prince cannot make or repeal a Law without the Conſent of the People*: you may be ſure when the People are made Slaves they will be very loth to part with their Liberty!

Caſe of Reſiſt. p. 209, 210.

2. The Prince would offer *conſtant Violence to himſelf*: eſpecially if he were a Papiſt, it would grieve him to the Heart to overthrow the Proteſtant Religion by *Law eſtabliſhed*.

3. Subjects are not bound to aſſiſt him in his *Uſurpations*: he muſt work without Tools; the Age is ſo vertuous that none could be found.

4. It would be dangerous for Subjects to serve him *contrary to Law*; because, if the Law should have its course again, they might be punished.

5. If we believe him, all our Historians scandalize King *John* and *Ric.* 2. for, *in this long Succession of Princes in this King-*
Pag. 212. *dom, there has been no Prince that has cast off the Authority of Laws, and usurp'd an absolute and arbitrary Power.* Even King *James* you must understand exercis'd the Rights of Sovereignty when he dispens'd with the Laws, and might have done it safely, had he not violated the Rights of the Church. That the Doctor then impos'd vain Assurances, himself is now convinc'd, and admits his bare possibility to have been reduc'd to act; but still he would have the whole *Difficulty* left upon Providence, and that Men should *stand still and see the Salvation of the Lord.*

Besides what has already been observ'd, these Consequences are obvious from his unretracted Doctrine.

1. That all *Kings* are absolute, and have Authority from God to trample upon our Religion, Liberties, and Laws, at their soveraign Will and Pleasure.

2. That all who joyn'd in Arms with King *William* before the *Abdication*, resisted the *Ordinance of God*, and without Repentance shall *receive Damnation.*

3. That King *James* has still a *legal Right* to the Crown: and therein, one would think to our Obedience.

4. That he may use Arms to recover that Right which the Doctor ascribes to him. But how the Subjects, and this King
Pag. 16. himself, are in this Case *cramp'd* by him, has appear'd before.

5. That they who fought against the late King in *Ireland*, fought against their *rightful King* before Providence had declared God's Will.

6. That the Doctor's Justification of himself for refusing the Oath of Allegiance so long, and taking it at last, amounts to this; that, agreeably to what he had before taught from Press and Pulpit, he held that Allegiance ought not to be paid to Usurpers: but having met with Bishop *Overall's Convocation-Book*, which teaches that Usurpers are to be obeyed, when setled in the Power; his own Reason took its rise from that Authority, to satisfie him that Allegiance is due to Usurpers, tho the others legal Right remains: and upon this Account he has taken the Oath to their Majesties. Wherein he retracts his suppos'd Error, that Usurpers are

not

not to be obeyed, but retains a real and pernicious one, That their Majesties are Usurpers. His declaring, That he is *far from intending to reflect upon the present Government*, is a Protestation contrary to the plain Fact. Tho the Intention makes the Crime, the Law implies the Malice when the Fact cannot be excus'd. *Pag. ult.*

The *Doctor* confesses there is no prospect of Securing the *Church of* England, *and the Laws and Liberties of the Nation, by other means*, than by this Government: Yet this is so far from prevailing with him to renounce King *James* his Right; that notwithstanding his particular Obligation to the *Mildness* and *Gentleness* of this Government, and his urging the Obligation of *Gratitude* upon others, who will not Swear now he does: He publickly maintains those Principles, upon which it is impossible that the late King, while he Lives, should lose his Right, or their Majesties be other than *Usurpers*: and prefers the Vanity of asserting, That he never taught but *one Error*, to the Security of our *Religion*, *Laws* and *Liberties*. For which, it is to be presum'd, his Book will undergo a publick Censure: And the University of *Oxford*, which condemn'd your Book to the Fire, out of Loyalty, beyond Law; would make a due Atonement, if they offer'd up the *Doctor's* Political Treatises to its injured *Manes*. *Pag.* 50. *Pref.* p. 1. *Pag.* 39. *Pref.* p. 5. *Case of Resist.* and *Case of Alleg.*

Sure I am, the Bishop of *L*——s *Chaplain* had no regard to his *Master's* Honour, and *uncovered his Spiritual Father's Nakedness*, when he Licensed such palpable Reflections upon that Action of his, which was much more Commendable, and Glorious, than his Defence before the *High Commission Court*.

But besides those Observations, which may occur to any Body, upon the first running over Dr. *Sherlock's* Book; there are others, which may not be thought of, till things of the like Nature are sorted together, and set in a proper Light: As,

First, That he would set aside the Consideration of Law, and Legal Right, as *Useless*, *Unfit* and *intricate*; yet shews himself under an Absolute Necessity of having recourse to it. 2. Takes upon him to explain it, but verifies his Censure of it, by his uncouth way of understanding it.

Secondly, That in the room of Law, he would set up *Scripture* and *Reason*, *without regard to Law*, but abuses *Scripture*, and perverts it, to the bringing God to Authorize Usurpation upon *Princes*,

and Tyranny or Uſurpation upon Subjects; and makes Reaſon inconſiſtent with its ſelf: but his Inconſiſtencies return ſo often, that I need not make any diſtinct Head of them.

Thirdly, That he would maintain his Old Doctrine of *Paſſive Obedience*, as far as he can, with colour, make it conſiſtent with his preſent Actings; yet he effectually renounces it, and ſays, thoſe things, which if he had purſued the thoughts with that Force which Nature has given him, would have brought him to a ſound Judgment in this matter.

Fourthly, Would excuſe his holding off from the Government, and his Behaviour, while he did; yet is Self condemn'd.

Fifthly, Seems to make his court to the King, out of Poſſeſſion, and to their preſent Majeſties; yet neither did, nor does, by this Book, ſerve either; but quite the contrary.

Firſt, He would have the Juſtification of the *right* Waved, as an unfit Diſpute; and beſides, *To judge of the Legality of the Revolution*, he ſays, *requires ſuch perfect Skill in the Law and Hiſtory, and the Conſtitution of the Engliſh Government, that few Men are capable of making ſo plain and certain a Judgment of it, as to be a clear and ſafe Rule of Conſcience.*

Page 1.

Page 2.

It is to be obſerved, that here the queſtion is not in relation to them who were to conſider of their Duty before the *Revolution*; but what might ſatisfie their Conſciences when it was ſettled; and when it might be look'd on as ſettled. And this very matter he himſelf thinks a plain caſe in our Law; he ſays, *the Law it ſelf, as well as the Principles of Reaſon and Religion, have annexed the Authority of Government to the Poſſeſſion of the Throne*: And has no other colourable means of proving a Setled Poſſeſſion, but by the Law of the Land; for he places it, under God, in the regular Conſent and Submiſſion of the People; and owns, that the Submiſſion has been made by a Legal Repreſentative of the People: That the Law only tells us, who is King; that he *has no Right*, that is, no Authority, *but by Law*: And that our Repreſentatives in a *Convention*, at leaſt in *Parliament*, are the Judges in whoſe Judgement we ſhould acquieſce. And they, 'tis certain, have declared, that their Majeſties are *Lawful* and *Rightful King and Queen.*

P. 59. *c.* 60.

Page 9.

Page 51.

Page 54.

Page 65.

Vid. The Act Settling the Crown. And that which declares the Acts of the Firſt Parliament to be binding Laws.

Is

Is not this a plain caſe, without troubling the Subjects with particular Controverſies? But then he confounds this matter, which otherwiſe were plain, when he offers at the Law.

1. Tho the Statute 11 *H.* 7. ſhews that Legal Allegiance is due to the King in Poſſeſſion, and that he is the Legal King: he will have it, that the Law does not *deny the others Legal Right to the Crown.* Page 65.

2. Whereas the Lawyers ſay, and prove from Hiſtory, Records and Law-books, that the Conſtitution of this Monarchy, is, as has been obſerved of the Jewiſh, Hereditary as to a Family, elective as to Perſons. The *Doctor* will have it, that *the Lineal Heir has the Right to the Crown:* and yet thatit is Hereditary, to any Perſon who gets a ſettled Poſſeſſion; tho he be not of that Royal Family, which has, through Providence, either by Affinity, or Conſanguinity, maintained the Poſſeſſion for near 1000 years, as may eaſily be proved; and I hope may continue the Poſſeſſion, till time ſhall be no more. Page 52.

3. Whereas the Lawyers ſay, that our Monarchy is limited, and founded in Contract; that a King, who Acts without regard to the Fundamental Contract, is not a Legal King; and that the Natural Allegiance due to our Country, ſuperſedes the Obligation of what otherwiſe was due to him: He will have the Law to allow a Legal Right to the Crown, unto him who is out of Poſſeſſion, and loſt it by the Juſt Judgment of God, for exerciſing an Authority which the Law condemns and rejects: And tho the Law in a limited Monarchy *ſets Bounds to Sovereign Power*; yet that Scripture and Reaſon require our not Reſiſting a King, *when he Subverts the Laws and Liberties, and Legal Eſtabliſhed Religion of the Kingdom, by Illegal Methods*; as if he had *Gods Authority* for all this: nor can they find a *Contradiction in the thing, that God ſhould give a Prince Authority to govern* according to Law; and yet Subjects are at Liberty to reſiſt, when the Bounds which God had ſet him are willfully tranſgreſſed. Page 30. Page 30. *Caſe of Reſiſtance,* p 119.

And if a Lawyer may be allowed to Reaſon upon this Point, he would ſay, if he may not be reſiſted, becauſe he has *Gods Authority*: Becauſe he has *Gods Authority*, he ought to be obeyed in every thing, not contrary to Gods Law. For it is certain the Sovereign Power, which is *Gods Authority*, is to be obeyed actively in all things within that Limitation. A Perſon may act beyond

it,

it, but the Power never can: which ſhews a neceſſary Diſtinction between Perſons in Power, and the Power which they have, or exerciſe, tho the Doctor allows of none; and helps himſelf, by confounding and joyning what God ſeparates; which is as bad as ſeparating what he has joyned.

Thirdly, That he would ſet up Scripture and Reaſon, without regard to Right or Law, appears from the very Scheme of Government, which he lays down in his firſt Section: The deſign of this Book, is particularly to prove it to be without regard to the Right of the Government; leaving the queſtion of Law in great meaſure to his Caſe of Reſiſtance, the chief deſign of which, was to ſhew that the Scripture requires Obedience to the Prince that has Right by Law, without regard to any other Law, but that which ſettles his Title: This was a giving up the Cauſe, as to what he would enforce from the 13*th.* to the *Romans*; for tho he had then aſſerted, that that Chapter and the whole Scripture, where ever it ſpeaks of *Higher Powers*, always means the *Authority of a Perſon, not of a Law*: To ſerve his turn then, he would allow no Man to be *Gods Ordinance* in an *Hereditary Monarchy*, but the next Heir in the Line: in Conſequence of which, the Scripture ſpeaks of no *Higher Power*, but what is Legal. This point he is forced to give up, as to the next Heir; and yet finds another Heir, according to his fancied Law of the Monarchy; but in the main, keeps to his Fundamental Error, that the Scripture means, Perſons and not Laws, where it ſpeaks of *Higher Powers*: Nay, and muſt be of Perſons alone, without regard to Laws; for otherwiſe the Scripture affords no proof, that God ever ſets up Perſons without regard to Laws, and makes them his *Ordinance*.

Caſe of Reſiſtance, p. 113.

Now the Doctor, all along ſuppoſing, that their Majeſties did not come to the Crown, according to the Law of the Government, finds it convenient, that the Scripture ſhould be held to have no *regard* to the Law, which ſhews who have right to govern: and yet even in that reſpect it is evident, that he muſt own the 13*th.* to the *Romans*; not to ſpeak of Perſons, barely as inveſted with Natural Power, that is Force; but Moral, that is, Legal Power: for he will not yield that the People, who have the moſt Natural Power, have in any caſe Right to Govern. It muſt therefore be meant, of Perſons in Authority; and none can be in Authority, but they that have Right to Govern: Which ſhews, that if the word ἐξουσία, may be applied indifferently, either

to

to *Natural* or *Moral Power*; It muſt here be confin'd to *Moral*, notwithſtanding all the *Doctor's* labour to the contrary. *Page* 19.

Having Diſpatched this Queſtion, in relation to the Right to Govern; it will be much more eaſie to ſilence all pretences, to inforce from that place of *Scripture*, a Right to Govern, by *Gods Authority, without regard to Law*. For it is evident, that he, who of himſelf aſſumes a Power, which no Law gave; is not *Gods Ordinance*, or any *Power*, in that reſpect: And when the Conſtitution of a Government, had placed the *Power* in *King*, *Lords* and *Commons*; that is *Gods Ordinance*: Whoever Invades that Share or Manner, in which it is enjoy'd by either; acts not only *without*, but *againſt Gods Authority*. And it is evident, that where the King has not the *Power* ſo Abſolutely in him, as to make Laws of his ſole Authority, he is not the *Higher Power*, for whoſe Security our *Doctor* broach'd his *Non-Reſiſting Doctrine*.

Modus habendi poteſtatem. Vid. Grot.

The Doctor may, by ſome, be thought to be for halving that Doctrine, and to have changed his half; which before was to ſerve Tyranny, now for that which he counts an Uſurpation upon the Tyrant. But indeed he now joyns both halves together; for without that he ſees it is impoſſible to make any thing for his turn, of the 13*th* to the *Romans*: for the one half muſt needs be excepted by the ſame reaſon that the other is.

If a Lay-man may attempt to explain the 13*th* to the *Romans*, theſe particulars may farther be obſerved upon it, in relation both to the *Right of Government*, and the *Law* of the *Government*.

1. That the word ὑποτάσσεσθαι, which the Apoſtle uſes where he requires Obedience, implies a Regular Subjection; and determines the meaning of ἐξουσία, if otherwiſe doubtful, to regular, that is, Legal Authority.

2. The Doctor himſelf, owns, in effect, that Obedience is not due to the Perſon, but to his Authority: or at leaſt, not to the Perſon alone, but for the ſake of his Legal Power or Authority: that is, to, or for the Law, and not the Perſon alone: When the Doctor elſewhere ſays, it is to the *Perſon, and not the Law*.

But whether he does not admit the Law, to deſerve a Place, let the World judge.

Pag. 54. *To what particular Prince*, says he, *we must pay our Allegiance the Law of God does not tell us, but this we must learn from the Laws of the Land.*

Case of Ref. pag. 191. Nay, tho sometimes he tells us the King's most *illegal Acts have the Authority of Soveraign Power*, at others he owns that his personal Commands have not; for if they had, they would justifie his Instruments who should act by such Authority against the Law: in which Case he confesses his Command will not excuse them: and tho he contends that all Kings setled in Possession have *God's Authority*, which in the nature of the thing cannot be limited by humane Laws, yet he says, when Pag. 65. driven to it, that *the King has no Right but by Law, and the Law may determine how far his Right shall extend.*

Case of All. pag. 30. Case of Ref. pag. 24. 3. It is to be considered, that tho it be for the Doctor's purpose to have it believ'd, that the Powers in being when the Apostle required Subjection, were not legal Powers; it is plain that they were, both as to the Right and Exercise of that Government, to which Subjection was required. Our Saviour, as himself says elsewhere, left *Soveraign Princes in the quiet Possession of what he found them possessed of.*

Case of Ref. pag. 55. 4. When our *Saviour* and his *Apostles* gave Rules for Subjection, there was no Competition between *Princes* or *Powers* about Right, or Titles to the Government; wherefore, had it been usurp'd, or never so arbitrary and tyrannical, there was no choice but that, or Tyranny; Submission, or Confusion.

Pag. 21. 5. Whereas the Doctor, in Confirmation of his Sense of *Rom.* xiii. says, that the *Romans themselves were great Usurpers*,

1. This is not to the purpose in that place, the Epistle being to the *Romans* themselves.

2. If he means it in relation to the *Jewish* Christians, the Doctor will hardly prove the *Roman* Power over them an Usurpation: for this I would refer him to the Consideration of *Herod*'s Will, and how far he submitted his and his Childrens Rights to Vid. Joseph. the pleasure of *Augustus Cæsar.*

The Doctor's next Attempt upon Scripture, to my thinking is very bold; nor do I well know by what term I ought to call it, but shall fairly represent it.

Which is this, That *the Scripture never speaks of the bare* Pag. 12. *permission of any Events, but makes God the Author of all the Good*

good or evil which happens either to private Persons or publick Societies, (he foresaw that the Objection to this is obvious,) *have not then Pyrates and Robbers as good a Title to my Purse as an Usurper has to the Crown?* This he answers by an Evasion, *The Dispute,* says he, *is not about humane and legal Right in either Case, but about Authority.* p. 34.

But it is plain, that it is between *Humane and Divine Right*; and tho I had humane Right on my side, the Robber has the Divine, in the Doctor's Sense, Providence having given it him: by consequence, tho the right Owner may endeavour to force it from him, as he who is dispossess'd of his Throne may, if we believe the Doctor, fight against the Possessor; yet against all other Men but the Owner, the Robber would have a Right. If the Heirs or Executors of the Party have a Right, by the same reason would Heirs or Assigns of a dispossessed Prince: and if it be lawful for a Prince who came to Possession by undue means, to defend his Possession after it had been setled; upon the Doctor's way of arguing, so would it be lawful for the Robber. But the Doctor, in not having determined that a Prince may defend a wrongful Possession, leaves that matter as doubtful for the Robber. Thus he makes Robberies and Usurpations, which indeed are but greater Robberies, to be authorized by God Almighty.

But says the Doctor, *The Scripture is expres, That Kingdoms are disposed by God*; some no doubt have been by an evident Manifestation of God's Will; and then I hope he will not say it is an Usurpation, no more than it was Robbery in the *Israelites* to *spoil the Egyptians.* But if the Doctor will say, that *God* directly gives it to an Usurper, 1. it argues that *God*'s Gift cannot give a *Right*; for if he did, it would cease to be an *Usurpation.* 2. He who came by undue means to a Throne, may have so acted as to obtain God's Favour, and God may give him an Establishment, tho he did not give the Throne; and therefore God did not authorize the Usurpation, which was the Man's Sin. 3. However, publick Good may require his Establishment. 4. If the Scripture be not so taken as to discharge God from authorizing the Sin in the Usurper; by the same Rule we shall be bound to believe, that he authorizes private Robberies, and the dispossessing Men by Wrong; for the Scripture says, *God hath made of one blood all Nations of men for to dwell on all the face of the Earth, and hath determined the times before appointed, and the bounds of their Habitations*: according to which, in such a literal Sense as the Doctor puts upon Texts relating to the Changes of Govern- Pag. 34. Acts 17. v. 26.

ments, God has appointed those very bounds which an ill man gets by Violence, or an unjust Neighbour by a false *Land mark*.

Upon the whole, tho God permits the Sins of Men, his Authority gives no Sanction to them, but it does to humane Laws; and when Necessity, for the good of Communities, sets aside particular Provisions made for that end, God authorizes that Act declaratory of the *Supream Law*. The general Rule of Scripture, if a *Layman* may say so, in relation to the Duty both of Prince and People, is, to *seek Peace and ensue it*. Whoever therefore, after a Government is once setled by the Submission of a People, and the main ends of Government are preserved; be it the ejected Prince or other, shall attempt to break the Peace, and deprive Communities of those Comforts which God in great mercy gives them; he sins against God's Establishment: for, as the Doctor says upon another Account, the *Preservation of humane Society will justifie what it makes necessary*.

Pag. 40.

Dean *Hicks* I must needs think is in this particular more Orthodox than our Doctor; but the Dean had learnt his Orthodoxy from the Lawyer *Forteſcue*, who has these memorable Words.

Jovian, p. 253.

All Laws published by Men have also their Authority from God, for as the Apostle saith, all Power is from the Lord God; wherefore, the Laws that are made by Men which thereunto have receiv'd Power from the Lord, are also ordained of God. This the Dean receives, and improves his way, having suppos'd that he had shewn by our Law, that the King is irresistible in all Cases.

If, says he, *all Laws of Men be the Laws and Ordinances of God, then I suppose the Common and Statute Laws of every Empire, which absolutely forbid the Subject to resist the Sovereign, are so too.*

If our Doctor had attended to this Passage, in the most plausible Book that ever was written, for Passive Obedience to absolute or *Imperial Power*, superiour to the *Political*; the Doctor might have avoided many Inconveniences which he has run himself into.

1. He need not have contradicted himself, sometimes making every King to have Authority from God, without regard to *Right* or *Law*; at other times, that the Law must teach who is King, and what his Authority.

2. If he had suppos'd God to have given the Sanction to Laws, bnt not to Usurpations, he would not have *charged God foolishly*.

3. He would never have put God Almighty to the Necessity of a Miracle, to justifie the Instruments in freeing Oppressed Nations,

if

if he would have allowed Men, in many Caſes, to have been the firſt Agents, or at leaſt to have cooperated with God, without Sin: as if ſo good an end as the Preſervation of Religion, and the fundamental Laws of Societies, were never to be accompliſhed by good means! But in making God always the firſt Agent, and to act alone, in the diſpoſition of Kingdoms, he makes him too much the Author of thoſe Sins, which Men may commit in ſome Changes. And yet this ſerves the Doctor better than the yielding, that God has in any Caſe lodg'd any Power in *Communities*, and that they may diſpoſe of it as they ſhall think fit; for if they could, he owns it would imply a Truſt, and would render Kings accountable to them for notorious Violations. Indeed, when he is not aware of this Conſequence, he grants, that *God ſometimes leaves a free People to chuſe their own King*. And therefore, *Pag.* 13. unleſs there can be no limited Monarchy, but God has aſſertain'd the Rights of all Kings as ſuch; by his own Confeſſion, elective Kings are accountable: but that would juſtify the Revolution, if this Monarchy ſhould prove in any Senſe elective; and be ſure the Doctor will keep off from that, till the King of *France* is leſs formidable.

4. He might have ſpar'd his Objections, or rather *Pag.* 24. Sir *Robert Filmer*'s, againſt the force of the Choice *and Conſent of the People*, to make a Prince, or indeed any Laws; for if God gives the Sanction and Authority to ſuch Conſent as is agreeable to his Word, and that natural Law which he has given all Mankind, with regard to the Conſtitutions of reſpective Governments; then there is no force in the Objection that the Majority cannot conclude the reſt, nor our Anceſtors by their Conſent bind us. And obſerve how little the Doctor attended to the Conſequences of this Objection.

1. If the Majority cannot conclude the reſt, how can the Submiſſion of the People make a Settlement? and yet he owns that it does.

2. If our Anceſtors could not bind us, how comes that Agreement which he ſuppoſes to have made this an *Hereditary Monarchy*, to leave a *Legal Right* to one, againſt the preſent Intereſt and conſent of the Nation?

3. How can our Submiſſion to their preſent Majeſties bind our Succeſſors?

And would not his Notions effectually unhinge all Governments?

Thirdly, But if the Doctor had purſued, as he ought, thoſe true Principles, which he ſometimes falls upon unawares; he would have given the World more Satisfaction of his *Sincerity*, and would not, by *Halting between two Opinions*, leave it as a Doubt, what is his real Judgment.

I hope he will not ſay I miſrepreſent him, when I draw from his own Conceſſions, ſuch a Scheme of Government, contrary to his Doctrine of *Paſſive Obedience*, as will, with great clearneſs, prove their Majeſties to be Lawful and Rightful King and Queen.

Hitherto you have been entertained with a Melancholly Scene of a poor injured Prince; who for the Exerciſe of a *Power* which God had given him, was, according to the Scope of the Doctor's Book, and of thoſe Canons which converted him to this Government, thruſt from his Throne by a Fortunate *Uſurper*, and Rebellious Subjects; and Providence was put to great *Difficulties* to aſſert his Right.

But now another Scene opens, that King for whom the Doctor beſpoke your Service (and for the ſake of whoſe Right he would have it thought a Duty in all, like himſelf, not to be *Page* 16. *haſty and forward in their Compliances* with Gods Providence, upon a ſingle Deciſion; leaſt they ſhould help to give Advantages againſt the Right) is fled out of another Kingdom; and has but one more to try his Fate in; ſo that there is two to one on the ſide of the Poſſeſſor. Now therefore he who had the Right, has juſtly *Forfeited*. And the Supream Law, the publick Good, warranted a Revolt from him; and meeting our *Deliverer* as a Bleſſing from Heaven.

All this may be little expected from the Doctor, *Page* 3. but tho it may *ſtartle* and ſurprize you, *I ſhall prove it*, and ſhew from him.

1. That our Monarchy is limited, and the King *Page* 30. has no Authority but what the Law allows him, *Page* 65. which ſets Bounds to *Sovereign Power*: As I before obſerved, he owns that *the King has no Right, but by Law, and the Law may determine how far his Right ſhall extend.* And thus Man's Law limits *Gods Authority*. This is more than he would own expreſly, that I can find in the time of *C.* 2: *Caſe of Reſiſt.* p. 197. but even then he admitted, that he *who Governs* by *Arbitrary Will, is a Tyrant, and no King*: Yet he then left it to his pleaſure, whether he, whom he calls the

Law-

Law-maker, would *Govern by Laws* or *Sovereign Will.* *Caſe of Reſiſt.* p. 196.
This was ſuitable to the uſe he then had for the 13*th.* to the *Romans*; but now it ſerves only to countenance, what he will have, an Uſurpation. And yet it will be a queſtion, how he can be an Uſurper, who, as the Doctor confeſſes, as he is King, receives his Right from Law, having no Right, but by Law. And what he ſays, in another reſpect, *as far as he quits his Government, he quits* Page 42. the Allegiance of the Subjects, might be eaſily improved here.

2. That *if Kings receive their Authority from Men, and Humane Laws*; *their Power is a truſt, of which they* Page 96. *muſt give an account to thoſe who intruſted them*, &c. tho *no expreſs Proviſion* were made in *the Law, to call them to account.*

3. That King *James notoriouſly* violated the Subjects Rights, and broke *the Conſtitution upon which himſelf ſtood, and ſtruck at the Deareſt things, their Religion eſtabliſhed by Law, and their Properties*; is almoſt as plainly ſignified by him, as if he had named the Man. page 27.

4. He is expreſs in relation *to the late Revolution*, that a *Prince Forfeits the Affections and Legal Defence of* Page 30. *his Subjects, by the Exerciſe of an Illegal and Arbitrary Power.* Where 1. he owns a Forfeiture: And 2. of what is eſſential to the Sovereignty, that, Love or Filial Duty to Princes, which our Clergy tell us, is required under the *Honour* due to Parents. 3. A Legal Defence is certainly due by Law, to a King, as ſuch; and therefore when that Defence is no more a duty, Allegiance ceaſes; eſpecially the Subjects having Sworn to this: And if the Oaths, taken to the Prince are diſcharged, as to any part, by a Forfeiture; it will be difficult to ſhew, why that Forfeiture ought not to extend to the whole.

5. He as good as yields, that the late King *Abſolved* the Subjects from their Allegiance to him. Speaking Page 48. of the late King, and his People; and their chief Intereſts, in compariſon with former times, which he would make greatly to differ from the preſent.

The bold ſteps, ſays he, *and extraordinary Methods he had taken, gave them great Apprehenſions, that all theſe were in danger, even the Rights and Prerogatives* of the Crown it ſelf (the Preſervation of which, was a main end of the Oath of Allegiance) *by his Submiſſion to the See of* Rome, *and rejecting the Oath of Supremacy*; *and*

as

as far as he could, absolving his Subjects from it. Add to this, what he said elsewhere, *The Defence of Monarchy, and the Rights and Prerogatives of the Crown, will appear a very material part of the Oath of Allegiance.* It must be considered, that all which he makes requisite, for transferring the *Legal Right of Government*, to an Usurper who obtains a settled Possession, is the Submission, or Consent, of a *Legal Prince.* Since, therefore, the *Prince*, in this, consented, as far as he could to divest himself of his *Supremacy*; which, I hope, he will say, is essential to his Sovereignty; it may seem, that his Sovereignty may as well be transferred to the People, as to any *Prince*, being the Doctor, and the Convocation, have no Scruples upon the *Degeneracy* of the Form of Government: And therefore our Parliament justly affirmed the *Power* to have been devolved upon the People, when they ordered Indictments for Offences, during the Vacancy, to be laid *Contra pacem Regni.*

page 51. page 47.

The Act about the Law proceedings.

He grants farther, That *the Safety of the People, is the Supream Law*: That *it will be hard to convince any considering Men, that that which is necessary to preserve a Nation, is a Sin.* This indeed he applies to Submitting to an Usurper. But the reason of it goes farther: He admits, *That we have no Direction in Scripture, at all, about making or unmaking Kings.* To which I may apply, what he brings to another purpose: That *when we are to learn our Duty, not from any express Law of God, or Nature; but from the Reason and Nature of things: It is a sufficient Argument, that it is not my Duty which will expose me to great Sufferings, without serving any good end; nay, which exposes me to Sufferings, for contradicting the natural End and Intention of my Duty.* And soon after he admits, That *Men were not made for Princes, to be their Slaves and Properties; but Princes were made for the Government of Men. That necessity of Preservation may absolve Subjects from their Oaths to their Prince.* And that *the Preservation of Humane Societies, is the ultimate end of Government, and will justifie what it makes necessary.* Farther yet, and more particular, *I do not think*, says he, *the Right and Interest of any Prince, so considerable as the Safety and Preservation of a Nation, and the Lives and Fortunes of all his Subjects.*

page 41. page 22. page 45. page 42. page 40, 41. page 33.

I shall

I ſhall not enquire, how far this agrees with his Aſſertion, That *if a Limited Monarch were not as irreſiſtible as the moſt Abſolute; the moſt Abſolute and Deſpotick Government, is more for the Publick Good, than a Limited Monarchy.* But certain it is, had the Doctor taken as much time, to conſider the direct Conſequences of theſe Noble Truths, for juſtifying the Shakeing off a Tyrannical Power, Uſurp'd over the Subjects, as he did; for bringing himſelf to ſubmit to what he will have to be an Uſurpation upon a Legal Prince; he could not but have ſeen, that they who contributed towards this Revolution, diſcharged their Duty to God and their Country, much better than they; who were *Unnatural* to their Country, in adhereing to the Intereſt of one, whom the *Doctor* deſcribes as a Tyrant, and *Unnatural* Lord. *Case of Reſiſt.* p 208. Page 2. *An Oath to fight for the King, does not oblige us to Fight againſt our Country; which is as Unnatural as to Fight againſt our King.*

Beſides the former Particulars, which in Juſtifying the Revolution, prove their Majeſties to have been *Rightfully* declared King and Queen; tho the *Doctor* will have the Diſpoſſeſſed Prince to remain *Legal King*, and to have Right to the Government, the *Doctor* ſhews their Majeſties Right to be Legal, now they are ſettled. He affirms, that [*the Law it ſelf*] *as well as the Principles of Reaſon and Religion, have annexed the Authority of Government to the Poſſeſſion of the Throne; that no Authority, but the States of the Realm, can take Cognizance of the Titles and Claims of Princes; and the diſpoſal of the Crown; that private Subjects* ought to ſubmit to their Determination; that *no Law* binds us *to diſown a King, whom the Eſtates have owned:* That ſuch a *Poſſeſſor* is a *True* and *Rightful King*; and has the True and Rightful *Authority of King*: Surely then he is a Legal King: and leſs Subtle Wits would not free themſelves from a Contradiction, in ſaying, that the Rival is the Legal King ſtill. Page 59. page 52, 53. page 14.

He has a doubtful Paſſage, where he may ſeem poſitively to deny that the ejected Prince continues a legal Prince: he admits that he and his Friends have been in a Miſtake, but whether in relation to the *legal Prince*, or the nature of the Allegiance due to him, you may take which you pleaſe; *There is nothing*, ſays he, *to prejudice any Man againſt the preſent Government, or to* Pag. 50.

make

make the Reſtoration of the diſpoſſeſſed Prince neceſſary, but a miſtaken Notion of Allegiance to that Prince, whom we ſuppoſe to have the legal Right tho he be diſpoſſeſſed, and another eſtabliſhed in his Throne; which I have already prov'd to be a Miſtake.

It was neceſſary for him to leave this with two Handles, leſt what he has driven at all along ſhould be taken for his poſitive Aſſertion, that he and his Party *ſuppoſe*, that 'tis believ'd, That the late King has the Right ſtill, and this King is an *Uſurper*. Yet I take the genuine Senſe to be thus; "We have had miſtaken Notions of the "Allegiance due to King *James*, whom we ſuppoſe to have the *legal Right*.

But however, he, as I before obſerv'd, admits that in
Pag. 13. ſome Caſes God may *leave a free People to chooſe their own*
Pag. 50. *King*; ſays withal, That the late King *in ſome ſenſe left his Throne vacant*, and yields what infers it abſolutely. In which he ſhews the Submiſſion of the People to Their Majeſties to be full and legal, and that the Law of the Monarchy is preſerved: and one would think this ſhould make them *legal and rightful King and Queen*.

And yet this may be prov'd more evidently out of the Doctor's own Conceſſions upon the Submiſſion of the People: Himſelf makes nothing wanting but the Submiſſion or Conſent of the legal King, to transfer a legal Right to the Poſſeſſor. He ſays indeed it is nonſenſe to ſuppoſe the Conſent of the King *de jure*: but if the Law ſhews that he conſented, I hope it is good Senſe and Reaſon to ſay that he has conſented: nor muſt the Doctor cavil if he yields ſuch Law to be in force.

Pag. 51. *He begins to doubt whether this is requiſite, and uſes it but as the Objection of others.* Pag. 9. *He ſays inded, it* may be thought neceſſary; *and the whole Book and Preface ſhew that himſelf thinks ſo.*

Pag. 59.

He tells us, the Stat. 11 *Hen.* 7. which ſays in the *Pre-*
Pag. 62. *amble*, That *Subjects ſhall be obliged to pay Allegiance to the*
Pag. 63. *King for the time being, is an authoritative Declaration of the*
Pag. 53. *Law*; and himſelf ſhews, That this has been admitted for Law in the *Reigns of legal and rightful Kings*.

He muſt farther yield, when preſs'd to it, that King *James* has directly conſented to that Law, and that as much as if it had been particularly recited to him; not only in accepting the Government under the legal Limitation, but in ſwearing to maintain the Laws in general, and to ſuffer them to have their courſe. If then this be the Law, he has ſubmitted and conſented to it; and his leaving the Government was as good as a recommending the Execution of it to his People.

And

And if he has consented that they should pay their Allegiance, where they should make their Choice and *Submission*; it follows, that he has consented to the Translation of that legal Right to their Allegiance which he once had: But that which legally transfers the Allegiance of the Subject, must transfer the Right of the King; and he who has no Right to their Allegiance, has no Right to be their King.

I hope when the Doctor has consider'd this matter, he will say that the late King has no manner of Right; and that their Majesties are our only *Lawful* and *Rightful* Soveraigns.

Fourthly, His Excuse for holding so long off, and Account of his Behaviour while he did, is very lame and unsatisfactory.

I. It manifestly appears, that he held off, and came in, upon the same Principles; and it may seem very strange, that a Man should be so long in understanding what necessarily flows from his own Doctrine: what he now retracts, is evidently contrary to his own Sense of the 13*th* to the *Romans*, Preached and Published six Years since; and if a Jewish Example made him then bring in an Exception to his Rule, he might have had as full an Example to set aside the Exception, in the Case of *Rehoboam*; who, for slighting that Constitution by which he was to govern, was adjudged, by God himself, to have forfeited his Right, and particularly commanded not to claim it by Arms. The Government established upon that Revolt was more plainly *God's Ordinance*, than the Doctor's Usurpers and Tyrants. Wherefore, for all the Jewish Presidents, he might have kept throughout to his own Interpretation of the Text, and have believ'd that it made Usurpation as well as Tyranny, God's Ordinance; especially since it is evident, that the Text relates to both, or neither.

An. 1684. *Vid. the example of* Joash. *Pref.* p. 6. *Book* p. 34, 35.

Obj. Indeed I meet with an Objection to this in both his Treatises of Government; *viz.* That only the Kingdom of *Judah* had been entail'd on *David*'s Posterity, and that *nothing could justifie an Usurpation against his Posterity* within that Kingdom, tho it might be justifiable as to that of *Israel*: but in truth, the Doctor here comes to his Rule from Success; they kept *Judah*, but lost *Israel*, which had been included within the first Settlement. *God Almighty*, by his Prophet, told *Solomon*, *If you will keep my Statutes, and my Judgments, then I will establish the Throne of thy Kingdom upon Israel for ever; as I promised to* David *thy Father, saying, There shall not fail thee a man up-*

Case of Resist. p. 131. *Case of All.* p 35. 1 *Kings*, 9. 4, 5.

on the Throne of Iſrael. And it appears by two Texts mentioning what had been promiſed to *David*, that it was without any Condition expreſſed; yet it ſeems ſubject to the Limitation, or Law of that Government, which was appointed to take place when they ſhould *ſet a King over them.* Yet you muſt underſtand, that what *Samuel* foretold would be the *Manner* of the King, muſt, with the Doctor, needs have been their *Right*: and then God's Severity to *Rehoboam* could not ſo well be accounted for.

1 Cron. 22. 2. *Sam.* 7. 12.

Deut. 17. 14. *to the end.*

God had acquainted *Jeroboam* who was choſen in the ſtead of the Deſcendant from *David*, with his purpoſe to give him *Ten Tribes*, and to leave *one* to *Rehoboam*: but this was but a Prophecy of the Event, no Promiſe made to *Rehoboam* that he ſhould keep *Judah*: and as to the Revolution, did but foretell what *God* would bring about by a free Election of the People, in which *Rehoboam* was wholly paſſive.

1 King. 11. 35, 36.

c. 12. *v.* 20.

I muſt confeſs, it is not unſuitable to the Doctor's Hypotheſis, to make every Prophecy of an Event to confer a Right; which would excuſe them who were acceſſary to our Saviour's Sufferings; which were not only foretold, but as the Words may ſeem to import, inflicted by God's Command, in that of the Prophet *Zacariah*, *Smite the Shepherd*; which our Saviour ſhews to have been meant in relation to his own Suffering.

Zach. 13. 7. *Mat.* 26. 31.

But the Caſe of *Rehoboam*, if the Doctor had taken the pains to compare the Texts of *Scripture*, might have had more weight to bring him in to this Government at the beginning, than the Caſe of *Joaſh*, which himſelf anſwers, could to keep him off: eſpecially ſince that Caſe was an Exception to his Senſe of the 13*th* to the *Romans*, which he thought meant of the Authority of Perſons, without Limitation to Law; and with the very ſame way of Reaſoning he muſt needs have concluded meant of Perſons in Authority, without regard to *Right*: which he now lays down for a Principle.

Pag. 13.

II. He pretends in taking the Oath now, to ſubmit to the *venerable Authority* of a *Convocation.* But,

1. The Preſumption is very ſtrong that he had ſeen Biſhop *Overal's* Book ſome Months before he had *forfeited* his Preferments; but King *James* was then *powerful* in *Ireland*, *Presbytery* not fully ſetled in *Scotland*, and the *Church-Rebels* there were in a Body, and in daily Expectation of Aid from *France* and *Ireland*; but it is to be hop'd that no Man here had Expectations from either.

2. He pretends to ſubmit to the Authority of the *Church*, that is,

is, *Churchmen*, or rather ſome one leading Man like himſelf, who dictated and gave Laws to the reſt: but 'tis plain, he follows only his own head-ſtrong Reaſon, which has rarely been *cramp'd with the Apprehenſions of Novelty and Singularity.* *Pref. p. 15.*

The Church ſays, *The Phariſees, in refuſing to bind their Allegiance and Faith to* Cæſar *by an Oath, did thereby ſhew themſelves traiterouſly affected towards him.* *Caſe of Alleg. pag. 7.*

The Doctor brings himſelf as an Exception to this Rule; for he Prayed for their Majeſties as put *in Authority* by *God's* Hand: yet would not Swear to it.

That founds the Authority of all *Princes* in the *Patriarchal*; the Doctor makes this as obſcure and uncertain as he renders our Law, both for the *bounds* of Kingdoms and * *extent* of Power, and ſets up an Authority of God's immediate Gift, without limits. * *Page 11.*

That ſhews that the *Rump Parliament*, if ever ſetled, had *God's Authority*: he would ſeem not to admit this.

That makes it at leaſt doubtful whether a Government can be ſetled while the *rightful* Prince, who once had Poſſeſſion, lives: this he would evade.

Had not the Love of Tyranny been more deeply rooted with the Doctor, than his Averſion to Uſurpation; the *venerable Authority* of *his Church*, I cannot ſay of the *Church of England*, might have ſatisfied him, that in ſome Caſes it may be as lawful to reſiſt the Perſon of a *Tyrant*, as to ſubmit to an *Uſurper*.

When the Thread of their *Canonical Hiſtory*, drawn up out of Ethnick and Apocryphal Writings, brought to accompany the Sacred Scriptures, led them to the Story of the *Maccabees*; they ſay, That *Mattathias, moved with the monſtrous Cruelty and Tyranny of* Antiochus, *made open Reſiſtance*, and they aſſign a Reaſon, or rather Juſtification of this, *viz. The Government of that Tyrant not then being either generally received by Submiſſion, or ſetled by Continuance*: which is a manifeſt Confeſſion, that a Tyranny which neither we nor our Forefathers have conſented or ſubmitted to, is not *God's Ordinance*; but that limited Prince, who attempts to introduce it, may be reſiſted by force; till he is ſtrong enough to compel a *Submiſſion* to his moſt arbitrary Exerciſe of Power. Overall's *Convoc.* p. 67. Pag. 30. *Himſelf ſays, the Law has ſet Bounds to Sovereign Power.*

The Senſe of the Church, if we believe what the Doctor declared of it when time ſerv'd, is, that they who exerciſe their Miniſtry without ſuch Qualifications as the Law requires, are guilty of *Schiſm*; and they who commu- *Vid. Sermons of Church-Communion.*

nicate with them, communicate in a Schiſm: but the Doctor, after he was convinc'd that their Majeſties had Power from God to make Laws in Parliament, did exerciſe his Miniſtry before he had qualified himſelf as the Law requires; which perhaps may drive him to a new Notion of *Schiſm*, and ſatisfie him that he has *Taught* one Error more than he has thought fit to recant.

III. By his own Confeſſion, their *Majeſties* were in full *Poſſeſſion of the Throne, and Adminiſtration of the Government, by a National Submiſſion*; as ſoon as the Convention, at leaſt the following Parliament, had declared for them; and he grants that ſuch *Conſent* and *Submiſſion makes a Settlement*.

According to this, he ought to have taken the Oaths, as ſoon as ſome Mens Hopes, in the New *Parliament*, were diſappointed; and to have done it then, had not been ſuch a *Forward Compliance* as he condemns.

Page 50, 51, 52, 53. The *Submiſſion* of the People, and Determination of *the Eſtates of the Realm*, he owns to be concluſive to all *Private Subjects*; yet did not pay *entire Obe-*

page 18. *dience and Allegiance*, even in his own Senſe, till the late King had left *Ireland*; ſo that he ſeemed to ſtay till he might ſee the *Power of the Diſpoſſeſſed Prince* broken; which in expreſs words make material: And he, it

page 17. ſeems, *thought it doubtful, whether Providence had ſetled the Poſſeſſor in the Throne, while the other had a formidable Army*. Upon which 'tis obſervable.

1. That this argues him to be more than a *Private Perſon*, or not to have been a Subject, till he Swore Allegiance.

2. If the *Power* be no more broken now, than it was at the beginning, that Argument fails.

3. If it were as much broken at the beginning, as now, that was not the Argument, but ſome more private Motive.

4. If that Argument cannot have full force now, himſelf, in holding out ſo long, and others of his opinion, in coming into this Government, with the ſame opinion, and retaining it; may be thought, in great meaſure, the occaſion.

Tho Providence had made a Settlement early, it was prudent, not to venture too far on its ſide; and to ſee whether it was any more than a pattern or platform, to be pulled in pieces preſently, as ſoon as *God Almighty* had taken a view of his *Handy-work*.

Or rather, tho this was a *Settlement* which bound the *Laity*, the *Clergy*, *Gods peculiar Lot and Inheritance*, had an *Exemption*; till himſelf had ſpoken to them by *his Church*. At leaſt they ought to ſtay till they ſaw the *Church of England* ſecured; and that there was

no

*no * proſpect of ſecuring it by any other means*: then their Intereſt obliged them; to pretend to Loyalty with the forwardeſt: Shall they ungratefully reject this Bleſſing from Heaven! * *Page* 50.

While they keep up an Empire within an Empire, the Changes of Civil Government will not bind them, till they are ſubdued upon the Struggle, and by Providence condemned to Affairs truly Spiritual. Good God! How long ſhall Men be made *Slaves*, and the Peace and Settlement of Kingdoms, † *Properties*, to an equivocal Word! † P. 45.

When they have to deal with thoſe of *Rome*, then in pious Condeſcention, and Chriſtian Charity to themſelves, the *Laity* ſhall be called in to their Aid. *Vid.* Dr. Sherlock, *of the Unity of the Church, compared with his Sermons, and Tracts of Church-Communion, and Union with Chriſt Jeſus.*

When a turn of theirs is to be ſerv'd or colour'd, then *Church-men* alone, without a King, are *as good Authority as can be urged, to the Members of the Church of* England. For the moſt part *Church-men*, with a King at the Head of them, are the Supream Authority, and Judges in all Controverſies about Civil, as well as Eccleſiaſtical Matters; and neither can aſcribe too much to the other, while they hold together: Sometimes *Conſtantine* and his *Arrians*, at other times he and the *Orthodox*, are the true Church: But *Orthodoxy*, like Civil Government, went along with the *Power*. *page* 10.

Tho the *right Faith*, like the Diſpoſſeſſed *legal King*, may retain the *Right* ſtill unaltered; yet Error carries on the *Name* of *Church*, as well as the other does that of *Government*; and ought to be ſubmitted, ſubſcribed, and ſworn to, as long as it has *Power* to *Cruſh* the Obſtinate Refuſers.

Gods Authority, if not Infallibility, attends the *Chair*, when it ſtands guarded in Conjunction with the Throne; and no Man ought Saucily to *Affront* the *Powers*, by preaching up the *True Religion*, where a *Falſe one* is ſettled. Nay, they ought to pray, that God would *keep and ſtrengthen* the *Power* in that *Falſe Worſhip*. And according to ſome Mens *Reaſons*, Error in the Chair is more *Gods Ordinance*, than *Truth* out of it. All the Stories of Miracles wrought at the Tombs of Martyrs, muſt be look'd on as lying Legends; for who can think that God would give ſuch publick Approbation to their *Affronting* his Ordinance and Authority!

Fifthly, It is probable the *Doctor* did not perform his Duty to the late King, upon his own Interpretation of Scripture and Providence, even before the Abdication: But that he did not after, is evident; for, while he not only thought him to have the Right,

Right, as it is to be presum'd, he does still, but that God had set up no other Government; he did not use the means in his power, for the restoring him to full Possession: and preferred his own Safety to the Obligation of his Oath, to maintain and defend his *Right*; which whether *possible* or no, the event only could shew: but it is a safe Rule to run no Hazard. He still leaves him a Right to contend for his lost Crown; but sets up the Supream Law, *common Safety*, against that Sacred and unalterable Right.

page 16.

I shall forbear to draw together, into full light, all those Instances, whereby it appears, that he is far from serving their Majesties: But in one respect he has not followed the Rules of Prudence, in relation to his own Interest.

How much soever *W.* I. might grasp at an *Absolute Power*, it is plain from History and Records, that he would not pretend to the Name of *Conqueror*, least he should create a Jealousie in his People. And had the *Clergy* of that Age, Flatter'd like others since, he would have certainly shewn Marks of his Displeasure; if it had been for no other reason, but that he might demonstrate to his People, that they ought to have no Apprehensions of losing their Rights and Liberties upon the Change. I shall run the Parallel no farther, than to say, That no Man can reasonably expect their Majesties Favour, who tells them, or the World, that they are invested with an Absolute Power of the Gift of God, *without regard to Right, without regard to Law.*

Arbitrary Power, tho it is a Plant which rises towards Heaven; as it pretends a Descent from thence; is not likely to over-top King *William*'s Laurels.

It is a Contradiction to the end, and effect of his coming, an Enemy to his *Crown and Dignity*, a Friend and Creature of *France* and King *James*; Nursed up here for their Service. And as it gave Rise to that Power, with which its Chief Patron has plagued Mankind; its Teachers cannot but expect a Reward, or more easie Servitude than others, if he should accomplish that Universal Tyranny, for which it is calculated.

The *Doctor* affirms, with great Assurance, that his *are the only Principles, which in such Revolutions*, as he treats of, *can make Government easie both to Prince and People. And*, says he, *if Government must be preserved in all Revolutions, those are the best Principles, which are most for the Ease and Safety of it: But,*

page 43.

1. If the Government be limited, it is not for its *Ease and Safety*, that the Prince should be thought to have an Arbitrary Power of Gods Gift.

2. If

2. If the Person of the Prince be the Government; it is not for his *Ease and Safety*, that no Laws, no *Submission of the People*, can engage his Subjects to this Prince, against a supposed *Legal King*.

3. It it much more easie to perswade Men to refer the Determination *of Legal Rights, to the Legal Authority of the Estates of the Realm*, which the *Doctor* owns to be conclusive; than to satisfie them that they ought to Swear Allegiance to a King, while a *Legal Right* remains to his Rival. *page* 52.

4. How much soever Subjects may be harangued into a Neutrality, they who assist neither, are likely to be treated as Enemies, which side soever prevails.

But the Philosophy of *Hobbs*, or Divinity of the Graver *Stoicks*, agree neither with our Constitution, nor with Gods Methods, in governing the World.

If the first shut God out of the Government, the other brings a Deity upon the Stage, as Familiarly as Poets with their Fictions, or Players in their Machines. And it is observable, that tho God is made the Actor and Authorizer of the Event, he is render'd a *Non-assister* of either of these Kings, as well as the Subjects are; Divine Right, and Divine Providence, poizing the Scales.

According to that of the Poet.

Victrix causa Diis placuit, sed victa Catoni.

Where the *Hero* has a more noble and generous Character than his Gods.

But that I may not only overthrow the Doctors *Startleing Scheme* of Government, without advancing another, I conceive these Propositions may do more good in the World. *page* 3.

1. That Allegiance is a Legal Bond or Tye, importing *Active*, as well as *Passive Obedience*, to Legal Authority.

2. That he to whom Allegiance is not due, is not *Legal King*, nor has Right so to be; or ever can be, without a new *Submission* of the People, either of Free Choice, or by Constraint: unless it be by the visible Designation and Appointment of *God Almighty*.

3. That no Divine Law, or just Inference from thence, sets aside Humane Constitutions suitable to Christianity, and beneficial to Civil Societies.

4. That no Divine Interposition, or Act of God, which is not so visible as may satisfie all Men, before the Success, what is the Will of God; can be said Authoritatively to alter or diminish Rights to Crowns, or the Liberties or Properties of Subjects.

5. That

5. That Humane Conſtitutions may be vertually Repeal'd or Suſpended; when they ceaſe to anſwer the main end, or Law, the good of the reſpective Societies.

6. That they who contributed towards our preſent *Settlement*, did what had been juſtifiable, tho they had fail'd of Succeſs; the late King having long before ceaſed to be a *Legal King*.

7. That Their *Majeſties* are our ſole *Lawful* and *Rightful King* and *Queen*, according not only to the Supreme Law, the publick Good; but to the poſitive Laws and Conſtitutions of this Government, known and declared, as there has been occaſion, in all Ages from the firſt Foundation of this *limited Monarchy*.

8. That they no more conſult the Honor and Intereſt of their Majeſties, than the common Safety; who now advance the old decanted Doctrine of *Non-Reſiſtance* and *Paſſive Obedience*, to a Power exercis'd *without any regard to legal Right, or humane Laws.*

Dr. *Sherlock* owns it, as it was taught by himſelf and Dean *Hicks*, to be a meer *Jacobite*. The Doctor now ſets it forth in a new ſhape, with King *William*'s Livery; but it's only a Picture in a Scene, which cannot ſtir to help in any Exigency. He makes it the Doctrine of Fate, which was taught by one Sect among the Heathens, and laugh'd at by all others. He, who has baptiz'd it by the *Chriſtian Name* of *Providence*, can find no other *Godfather* to it but himſelf; yet is far from *promiſing and vowing in its Name*, that it *ſhall manfully reſiſt the Devil and all his Works*, it is enough not to *aſſiſt*: If the *Devil* and his *Agents* get the better, their *Authority is God's Ordinance*; and it is no Sin to follow whither Fate draws.

But the *Doctor* has taken it from common Drudgery, and honorably confin'd it to the Government of States and Kingdoms: in private Robberies it gives not the Robber *Authority* over Perſons, as it does to Uſurpers; he has only *Right* to what it puts into his hand.

Pag. 24.

This Doctrine, which is always attendant upon Fate or Providence, is the Clergie's Writ of eaſe, the Prince's falſe Friend, and changeable Courtier; but profeſſed Enemy to the reſt of Mankind.

It ſerved the King-craft of *James* I. though he had not the Courage to give Sanction to thoſe *Canons*, which would enforce it by *Spiritual Thunder*: proved Fatal to his Son; enabled the two Brothers to Revenge the Contempt of it; ſeem'd to expire under the laſt; but gave dangerous Symptoms of Life and Vigor upon the *Abdication*.

Since this *evil Spirit* now haunts the Land again; it is a Task worthy of your Pen, to ſend it well whipped to the place from whence it came; and to b nd it to its native Shades, that it may never riſe in dark Clouds to *blacken* our Deliverance.

Pref. Pag. 4.

This the World expects from you, and is earneſtly deſired by, Sir,

Your Faithful Friend and Servant.

F I N I S.

Page 32. Line 7. Read, *that is, believe.*